

Appeal, ECF No. 101.

5. Defendants filed their motion for a stay pending appeal promptly after receiving authorization to do so, less than one week after filing their notice of appeal. *See* ECF No. 102.

6. Furthermore, the justification presented in support of Defendants' motion for a stay pending appeal is based in significant part on the filing of the United States' petition for certiorari in *United States v. Vaello-Madero*, No. 20-303 (S. Ct.), on September 4, 2020.

7. Additionally, the Social Security Administration, U.S. Department of Health and Human Services, and U.S. Department of Agriculture required time to calculate the extremity of the irreparable harm that would result in the absence of a motion for a stay pending appeal, and to detail these harms in affidavits to be filed with the Court.

8. Under this Court's Local Rules, Plaintiffs' response to the motion to stay is due within 14 days, on September 30, 2020, and Defendants' reply in support is due 7 days later, on October 7, 2020. Local Civ. R. 7(b), (c).

9. Because the administrative stay in this case presently expires on October 5, Defendants respectfully request a 25-day extension of the stay, until October 30, 2020, to allow the parties time to brief, and the Court to rule on, Defendants' motion for a stay pending appeal.

10. Extending the present administrative stay for this short period of time will merely maintain the status quo, and will not result in any substantial prejudice to any party. This extension is necessary to allow for the adjudication of Defendants' motion for a stay pending appeal.

WHEREFORE, Defendants respectfully request that their motion for a 25-day extension of the present administrative stay be granted. A proposed order is attached hereto.

Dated: September 16, 2020

Respectfully submitted,

JEFFREY BOSSERT CLARK
Acting Assistant Attorney General

ERIC WOMACK
Assistant Branch Director

/s/ Daniel Riess
DANIEL RIESS
Trial Attorney
U.S. Department of Justice
Civil Division
1100 L Street, NW
Washington, D.C. 20005
Telephone: (202) 353-3098
Fax: (202) 616-8460
Email: Daniel.Riess@usdoj.gov
Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of September, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System, which will automatically send notifications of this filing to all attorneys of record.

/s/ Daniel Riess
Daniel Riess